

AO 440 (Rev. 10/93) Summons in a Civil Action

# United States District Court

Western

DISTRICT OF Massachusetts

FILED  
IN CLERK'S OFFICE

Jeneta Kelly, Plaintiff  
By Her Guardian and next friend,  
Gensie Kwame

2005 JUN -6 P 12:36

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

05-30091-KPN

V.

\* Daytona Fun Park  
G & R Go Cart  
Rusty Bertholet, Defendant's

TO: (Name and address of defendant)

Rusty Bertholet  
48 Lucerne Ave  
Laconia, NH 03246

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Greg T. Schubert  
Counsellor At Law  
1365 Main Street  
Springfield, MA 01103

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

SARAH A. THORNTON

CLERK

*Mary Jean*

(BY) DEPUTY CLERK

DATE

*April 20, 2005*

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### RETURN OF SERVICE

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

### STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on \_\_\_\_\_ Date \_\_\_\_\_ Signature of Server \_\_\_\_\_  
Address of Server \_\_\_\_\_

I, Michael D. Cheritz, attorney for  
Dayton Fun Park LLC do hereby  
accept service as process on its  
behalf  
MDC  
Michael D. Cheritz 6/2/05

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.